

REMARKS

In the May 7, 2004 Office Action, the Examiner has rejected all of the claims of the present application under 35 USC 103. Specifically, independent claim 1 has been rejected under 35 USC 103 as being unpatentable over Davies et al., in view of Durand et al., the "Teemaster" reference and Henneuse (U.S. Pat. No. 5,963,913). Further, independent claim 17 has been rejected under 35 USC 103 as being unpatentable over Davies in view of "GolfAgent", Teemaster, Henneuse and Kasavana. Independent claim 18 has been rejected under 35 USC 103 as being unpatentable over Davies in view of Zhang, GolfAgent, Teemaster and Henneuse. Independent claim 21 has been rejected under 35 USC 103 as being unpatentable over GolfAgent in view of Davies, Teemaster and Henneuse.

Applicant believes the claims as currently pending are defined so as to overcome the references of record and respectfully requests reconsideration of the present application for the reasons that follow. The courtesy of the Examiner in granting a recent telephonic interview to Applicant is acknowledged with appreciation.

THE PRESENT INVENTION

As discussed during the interview, the present invention simplifies the arrangement of outings for users of recreational facilities by providing multiple users simultaneous access to reservation information for multiple facilities and allowing potential participants to be notified of a selected available reservation. The present invention also facilitates reservation filling for

recreational facilities by exposing would-be participants to available reservations at multiple facilities, as opposed to a single facility at a time, and by managing participant availability for a selected available reservation. Potential joining participants can be accepted into a selected available reservation having limited capacity on a first-come, first-accepted basis, or based on the decision of the user originating the reservation, for example. In order to avoid having to actively monitor participant responses and to increase the chances of filling limited spaces in a selected reservation, for example, the individual originating the reservation may choose to notify more individuals than there are open slots. The user is thus provided with the ability to arrange an outing with the knowledge of all of the available venue options, selecting and communicating at least one of the known-available options to potential partners for an event to thereby fill an outing reservation.

CURRENT REJECTION UNDER 35 USC 103

In considering Applicant's amendment as filed on February 17, 2004, the Examiner withdrew the previous rejection of all claims under 35 USC 103, and raised new grounds of rejection. The new grounds of rejection for each independent claim were based on previously cited references as well as the newly cited Henneuse reference in the combinations outlined above.

Applicant submits that none of the cited references including Henneuse, taken either singly or in combination, contemplates a method or system as presently claimed. For a prior art reference to obviate a claimed invention, the reference must suggest or teach the claimed invention *In re Keller*, 642 F.2d 413 (CCPA 1981). Any modification or combination of references cannot

change the principle of operation of the reference being modified or render it unsatisfactory for its intended purpose. See *In re Ratti*, 270 F.2d 810 (CCPA 1959) and *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1994). Further, under 35 USC 103, the question is whether the claimed invention as a whole would have been obvious in light of the prior art, and not whether the differences themselves would have been obvious. *Stratoflex, Inc., v. Aeroquip Corp.*, 713 F.2d 1530 (Fed. Cir. 1983).

THE HENNEUSE REFERENCE

As discussed during the interview, the Henneuse reference describes sending scheduling option information in the form of one or more dates and times (see col. 3, lines 16-20 and col. 5, lines 6-8) to potential event participants in order to determine participant availability for an event. The event information sent to potential participants does not include a selection of an available venue reservation. Henneuse only contemplates the venue for an event after determining participant availability and obtaining selection of a time and date by the event scheduler (see col. 4, lines 31-40, col. 6, lines 2-10, and claims 7 and 16). In such a scenario, it is easily foreseeable that a scheduler may have to repeatedly obtain and review participant availability information if it turns out the originally selected time is not available at the venue. Henneuse even acknowledges that if the preferred venue reservation is not available, the scheduler can be asked to resubmit a confirmation for the event so that a proper venue can be reserved (see col. 4, lines 37-40, and claims 8 and 17).

In contrast, the present invention allows the user to notify participants of a known-available reservation selected after receiving availability information from a database holding reservation

information for a plurality of facilities, i.e., venues. As such, the user does not suffer from having to return to the participants (or having to review previously collected participant availability information, for that matter) and may proceed to book the reservation with full confidence that it is available. Thus, the outing arrangement process is greatly facilitated for the originating user in the present invention, as is the reservation filling process for the recreational facility.

In the present claims, claim 17 relates a computer system having a server application operable to provide access to reservation information including at least one selection option, wherein the option includes a time and a date for an activity from at least one recreational facility, and a number of openings available for one or more additional individuals to join the activity. Upon retrieving and transmitting at least one selection option *pertaining to an available reservation*, and receiving a *selection from a first participant of a selection option*, the server application is operable to receive indication information including information necessary to *notify a number of individuals of the selection*, with the number of individuals being greater than the number of available openings.

Also in the present claims, claim 18 relates to a computer system having means for retrieving and transmitting at least one selection option *pertaining to at least one available reservation*, wherein the selection option includes a number of individual openings *available for the reservation*. Claim 18 further includes means for notifying a number of individuals *of the reservation*, where the number of individuals is greater than the number of openings available.

Also in the present claims, claim 21 recites a method of arranging a recreational outing for participants using a computer, which includes the step of retrieving and transmitting to a first participant *selection information pertaining to at least one available reservation*, wherein the selection information includes a *number of openings available for one or more additional individuals to join the reservation*. Claim 21 further includes the steps of *receiving a selection* from the first participant *from the selection information*, and receiving indication information from the first participant including information necessary to *notify a number of individuals of the selection*, wherein the number of individuals is greater than the number of available openings.

Unlike the recitations in claims 17, 18 and 21, the Henneuse reference does not retrieve and transmit a selection option *pertaining to at least one available reservation*, where the selection option includes *a number of available openings for one or more individuals to join an activity* from at least one recreational facility, and then receive information necessary to notify a number of individuals of the selection. The “selection option” in Henneuse, as discussed above, is limited to time and date information and does not pertain to at least one available reservation. Nor does Henneuse teach the number of individuals for notification being greater than the number of available openings associated with the selection, as claimed in claims 17, 18 and 21. There is no discussion in Henneuse of a number of openings available in connection with a selection option. There is further no discussion or suggestion within Henneuse of notifying a number of individuals greater than the number of openings available in connection with a selection option. Henneuse is primarily concerned with scheduling people to a date and time for an activity, and any discussion of booking a venue is an afterthought. Henneuse is not concerned with first gathering knowledge of

available venue options, selecting a venue option wherein the venue has a number of available openings and then communicating the venue option to others such that more individuals receive the notice than there are available openings, such as claimed in the presently pending claims 17, 18 and 21. Additionally, there is no indication of a motivation to combine any of the cited references, or modify Henneuse, in a way which would produce the claimed invention. Thus, Applicant submits that these claims are patentable over the respectively cited combinations above, including the Henneuse reference.

Applicant further submits that claim 1 is similarly allowable in its present form. Claim 1 includes the steps of: “(h) receiving acceptance information from at least one other participant using a client computer, and (i) after receiving said acceptance information in step (h), receiving instructions from said first participant using a client computer to book a reservation for the time and date and facility *connected with said selection option*.” Applicant again submits that Henneuse does not teach or disclose communicating a selection of a selection option pertaining to an available reservation to participants and receiving instructions from the first participant to book a reservation connected with the selection option, as claimed in claim 1. It is clear in Henneuse that venue availability is not known at the time participants are notified of possible meeting options.

Applicant thus submits that the cited references do not teach or suggest the desirability of the claimed invention. Selecting an available reservation prior to notifying event participants would run counter to the principle of operation of Henneuse. Applicant further submits that combining the teachings of Henneuse and Davies would result in first determining when and how many

participants would be available (as in Henneuse), and then subsequently attempting to reserve a venue by pre-committing to a desired tee time at a golf course (as in Davies), which desired time may or may not be available. Applicant thus submits that the claimed invention as a whole is not obvious in light of the cited references.

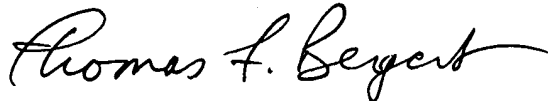
While Applicant submits that the current claims of record are allowable over the cited references, if the Examiner believes that minor changes to the claims could more clearly point out the distinctions between the present invention and the cited prior art as discussed herein so as to be allowable, Applicant would appreciate the Examiner's suggestions. For example, it may be considered that claim 1 could be amended to denote that the "selection option" in step d) refers to that transmitted in step c), and/or that the "selection" in step g) refers to that received in step d). Additionally, in claims 17, 18 and 21, for example, additional language specifying that the "number of openings" are associated with the "selection option" or other language believed to read more clearly could be considered.

Should these or any other outstanding issues require discussion that would further the prosecution and allowance of the present application, the Examiner is invited to contact Applicant at the phone number provided below.

In view of the foregoing amendments and the remarks which follow, Applicant submits that all of the claims of the present application are not anticipated or obviated by the cited references,

taken singly or in combination, and are therefore allowable over the prior art of record. An early notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script that reads "Thomas F. Bergert". The signature is fluid and written in black ink.

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